

## REMARKS

This paper responds to the Final Office Action dated April 20, 2007. A diligent effort has been made to respond to the objections and rejections set forth therein, and reconsideration is respectfully requested.

Applicants traverse the rejections under 35 USC 103(a) over Vasudevan (US 2004/0192282) in view of Ji (US 6,836,657). Independent claims 1 and 48, as now amended, clearly distinguish from these references because the references do not teach the steps of allocating a minimum amount of available memory in the mobile device memory for storing update data and then “maintaining” both the update data and the baseline mobile device configuration data in the same mobile device memory for a period of time sufficient to allow the updated mobile device configuration, created using the update data, to be tested.

The Office Action admits that Vasudevan does not teach these steps, at page 3, but then states that the steps are disclosed in Ji, referring to col. 8, ll. 52-65, col. 9, ll. 27-54, col. 10, line 41 through col. 11, line 7 and Figure 1 of Ji. In support of the motivation to combine Vasudevan and Ji the final office action refers to col. 3, ll. 23-30 and col. 10, line 41 through col. 11, line 7 of Ji. These portions of Ji, however, do not disclose the step of “maintaining the baseline mobile device configuration within the mobile device memory after creating the updated mobile device configuration,” but rather explicitly teach the exact opposite – namely purging or erasing the original configuration in favor of the new configuration.

Further, the purpose of the upgrade system disclosed in Ji is made clear within the reference, for example where Ji states:

Regardless of the upgrade method used by the upgrade client, the upgrade system provides fail-safe software upgrades in client devices by recovering the client device to a pre-determined state in response to failures during the software upgrades. (emphasis added)

As this passage plainly states, Ji is directed to recovering from failures that occur during a software upgrade process. The teachings of Ji are consistent with this stated purpose, such as Fig. 7B, which shows explicitly that if an upgrade is successful, then the backup copies of EBSCs and configuration data are erased from memory, as depicted at 724 and 726. This is done because the teaching of Ji ends with a successful software upgrade, it does not allow for time for an updated mobile device configuration to be tested, as recited in claims 1 and 48.

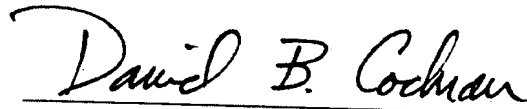
For all of the reasons noted herein, applicants maintain that claims 1 and 48, and the claims that depend there from, are distinguishable from Vasudevan in view of Ji and therefore respectfully request withdrawal of the 103 rejections.

New claims 53-55 have been added herein. Claim 53 recites a method of updating a mobile device that includes maintaining a baseline configuration in the mobile device memory for a period of time sufficient to permit testing of an updated mobile device configuration. As discussed above, this subject matter is allowable over the Ji reference, which discloses maintaining both versions of the EBSC and configuration data only during the upgrade process, not after the upgrade process has been completed in order to permit testing, as required by claim 53. For at least this reason, claim 53 is allowable over the cited references and should proceed to issuance.

Because independent claims 1, 48, and 53 are allowable, their respective dependent claims are also allowable and should proceed to issuance. It is noted that the assignee has not, at this time, presented arguments with respect to a number of the dependent claims in the instant application. The assignee nevertheless reserves the right to argue the patentability of all of the dependent claims in the instant application at a future time, should that become necessary.

Respectfully submitted,

JONES DAY

A handwritten signature in cursive script that reads "David B. Cochran". The signature is written in dark ink and is positioned above a horizontal line.

David B. Cochran  
(Reg. No. 39,142)

Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506